

REMARKS

Claims 1-4 and 6-16 remain pending in the present application. Claim 5 has been cancelled. Claims 1-4, 6, 7, 9, 11 and 14 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

DRAWINGS

The drawings are objected to because there is no function key with the reference number F18 in Figure 1. The specification has been amended to delete the reference to F18 and replace it with an initializing signal. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 4, 5, 8, 9, 11 and 14-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Naito, et al. (U.S. Pub. No. 2001/0005686 A1). Naito, et al., discloses a mobile phone having a function for giving a user a warning that a battery capacity has become lower than a predetermined level, as the Examiner points out. In the mobile phone of Naito, et al., such warning is given to the user regardless of whether or not the user inputs a signal for operating an additional function such as a digital camera function, as clear from the flowchart shown in FIG. 2. Such a warning may be troublesome or annoying to the user because the warning is always given to the user as long as the battery capacity becomes lower than the predetermined level even if the user does not need such information. In the present invention, contrary to Naito, et al.,

the warning that the battery capacity has become lower than the threshold level for permitting operation of the additional function is given to the user only when the user inputs a signal for operating the additional function. Therefore, the user is not bothered by unnecessary warnings. To clarify this important feature of the present invention, Claims 1, 4 and 14 have been amended to define this feature. This feature of the present invention is neither disclosed nor taught in Naito, et al., alone or in combination with Nonogaki, Cathey, et al. or Willey.

Thus, Applicant believes independent Claims 1, 4 and 14, as amended, patentably distinguish over the art of record. Likewise, dependent Claims 8, 9, 11, 15 and 16 which ultimately depend from Claims 4 and 14 are also believed to patentably distinguish over the art of record. Claim 5 has been cancelled. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 2 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naito, et al. (U.S. Pub. No. 2001/0005686 A1) in view of Willey (U.S. Pat. No. 6,041,241). Claim 2 depends from Claim 1. Claim 10 ultimately depends from Claim 4. As stated above, Claims 1 and 4 have been amended and are now believed to patentably distinguish over the art of record. Thus, Claims 2 and 10 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 3, 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naito, et al. (U.S. Pub. No. 2001/0005686 A1) in view of Nonogaki (U.S. Pat. No.

6,625,478 B1). Claim 3 is amended to recite that the information as to the battery capacity is given to the user through the earphone (40c) which is shown in FIG. 2. Naito, et al. in combination with Nonogaki does not teach or suggest that the information regarding the battery capacity is given to the user through an earphone.

Thus, Applicant believes Claim 3, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claims 6 and 7, these claims ultimately depend from Claim 4. As stated above, Claim 4 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 6 and 7 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Naito, et al. (U.S. Pub. No. 2001/0005686 A1) in view of Cathey, et al. (U.S. Pat. No. 6,201,977 B1). Claims 12 and 13 ultimately depend from Claim 3. As stated above, Claim 3 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 12 and 13 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

By:


Michael J. Schmidt, 34,007

Dated: May 18, 2004

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pgm